

PRISON PREYING ON WAITE'S MIND

Brother Admits There Is
"Something Wrong" with
Accused Dentist.

SPENDS TWO HOURS AT HIS BEDSIDE

Young Poisoner Has Restless
Day—Amplifies Story He
Has Already Told.

Dr. Arthur Warren Waite yesterday put in a restless day on his cot in the prison ward at Bellevue Hospital. Recovery from the effect of the sleeping poison he took early a week ago was apparent and his mind became more active. But with this mental clearing came a fuller realization of his position as a nervous case which made it difficult for him to concentrate his thoughts upon one subject.

His brother Frank, who was with him for two hours in the afternoon, admitted that there was "something wrong somewhere."

It is thought that confinement in a ward where three criminal convicts are housed about silently from daylight until dusk has had a disquieting effect upon the prisoner and has not hastened the restoration of his mental poise. This influence is added to by the constant watch of a uniformed policeman.

Frank Waite was exceedingly calm in speech and manner yesterday when he asked permission to talk with his brother. When he had finished he was so preoccupied that he tried to start his automobile without unlocking the spark. He uttered an almost hysterical laugh as he reached for the key, remarking: "It's terrible to laugh after coming out of a place like this."

Before going inside he said the family was acting on advice of counsel, but that he did not care to say what lawyer had been retained. The family had a good idea of Miss Peck's attitude toward her brother, he continued, and was well informed of his brother's connection with the case. He explained, answering: "There is something wrong somewhere. I am not an alienist."

"Did he make a confession to you?" "Yes."

"Did he confess this afternoon?" was the next question.

"He was quite considerably some things he had already told me."

Asked if he suggested to Dr. Waite that he make a plea to second degree murder, Frank said: "I can't say. I can't say that now. You must understand."

MRS. HORTON SAW WAITE BUY GERMS

Continued from page 1.

Inquire into the defendant's mental condition, and that that issue would have to be fought out in court.

Mrs. Horton yesterday engaged in a heated fight with the lawyer who represented Rae Tanager when she first came into the limelight in the Osborne case. Mrs. Spierberg hastened to make a statement to defend her new-found client from being misinterpreted.

"Mrs. Horton is not a defendant," he said, "but any one can talk himself into all. She has been talking too much. I may say that she feels very friendly toward Dr. Waite."

Only two days ago Mrs. Horton seemed about to align herself not on the side of the defense but with the prosecution. She told Judge Sweeney that she believed the defendant had tried to include her in his poisoning.

When Mrs. Spierberg took up his client's affairs he was confident he would have no trouble in gaining admission to the prisoner in Bellevue. He did not plan at first to ask the District Attorney's permission, but found that such a formality was necessary, and also useless. He was told the visit would be permitted to-day.

Instead of getting the desired permit Mrs. Horton was confronted in the prosecutor's office by William Weber, an attendant at Cornell University Medical College. He at once recognized the handsome young woman as the one who had come to the bacteriological laboratory there with Waite when he bought germs.

Mrs. Horton was equally prompt in remembering Mrs. Weber. She asked the visits were between December 17 and March 8, there being six in all, one of them on Washington's Birthday. Weber told the District Attorney that he had sold several vials of the containing typhoid and anthrax cultures to Dr. Waite, who represented himself as a physician engaged in research, and said he was going to give the bacteria to cats.

Mrs. Horton took up the story, saying that some of the germs had been taken to the room in the Hotel Plaza which he engaged, signing the register "Mr. and Mrs. Warren Waite." They have both explained that this room was a studio, but Mrs. Horton's story yesterday made it appear more a bacteriological experiment station. She said Waite had a microscope there and let her "see the germs wiggle" through it, as she expressed it.

How much she knows of the real purpose for which Waite got the germs is under careful investigation by the District Attorney, one of whose men said yesterday she had become one of the most important figures in the case.

Another trail of the germs led to Waite's own home, where his father-in-law, John E. Peck, whom he is accused of poisoning, died. In his laboratory were found several test tubes of cultures, glass microscope slides with smears of germs on them and other indications that he had been experimenting with them there. Failing to get into the culture at the laboratory, Waite tried to get a tubercular gland, possibly to prepare his own cultures. His ill success in gaining him by the germ method is attributed to the fact that it requires special skill to handle germs. The last lot he bought was March 8. It was on March 9 that he bought the arsenic which, it is said, caused Mr. Peck's death.

Judge Sweeney requested the Department of Health yesterday to do the requisite chemical analytical work in connection with the case, but received an answer that it would be impossible to handle it there. Mr. Sweeney said he thought the department should take charge of the matter as a public concern.

I DID NOT SAY WHAT THE CONFESSION WAS. HE MIGHT HAVE CONFESSED, YOU KNOW, THAT HE HAD POISONED HIMSELF.

"But you did not have that in mind when you first spoke of a confession, did you?" He was asked. Mr. Waite said he had not.

PAYS \$750 FOR GRANT'S LETTER BOOK AND PEN

First Session of Autograph Sale
Nets \$8,147.

General Grant's original letter book, used by him from March 22 to April 1905, accompanied by the original pen, stylus with which he wrote, brought the top price—\$750—yesterday at the opening session of the sale, at the Anderson Galleries, of rare American and foreign autographs. George D. Smith was the purchaser.

One of the seventeen letters contained in this letter book, dated April 7, 1905, and addressed to General Sherman, is written to General Lee, and reads:

"General: The results of the last week must convince you of the hopelessness of further resistance on the part of the Army of Northern Virginia. I feel that it is so, and regard it as my duty to shift from myself the responsibility of any further effusion of blood by asking of you the surrender."

George D. Smith also gave \$625 for an historic letter of interest, written by Grant to General Sherman, relating to the original terms of surrender. The letter, dated March 22, 1865, and signed by Grant, is a copy of the original. It is a copy of the original. It is a copy of the original.

The rebels know well the terms upon which they are to surrender, namely, when they lay down their arms and submit to the laws of the United States, etc.

He also gave \$270 for a collection of three Star letters, containing the autographs of the Presidents of the United States from Washington to Wilson, together with engraved portraits of each President, the whole in a quarter of a volume, bound in full crushed crimson leather.

For Grant's original field dispatch book, containing the carbon copies of fifty-three of his telegrams, he gave \$210. The total of the session was \$8,147. The sale ends with this afternoon's session.

CHINESE PAINTINGS TO GO
Famous Masterpieces Will Be Sold Friday and Saturday.

A remarkable collection of ancient and modern Chinese paintings by famous masters is being exhibited at the Fifth Avenue Auction Rooms, 233 to 241 Fourth Avenue, are to be dispersed there on Friday and Saturday.

The 558 paintings comprising the collection are the property of Liu Sung Pu, who has been spent, it is said, in acquiring them. They were exhibited in the Chinese pavilion at the Panama-Pacific International Exposition.

Florence Wheelock Aycock, who has compiled a catalogue of Chinese and English descriptions of the paintings, with poems by the artists, quotes Lauder in his essay on "Wang Chuan Tu" a landscape by Wang Meng and another by Wang Meng.

"The same lofty thoughts and emotions," expressed by Beethoven through the revelation of a god in his heart in his sonatas and symphonies, find an echo in the works of these Chinese painters.

"I believe painted music, with all its shades of expressive modulation."

Manuscript Has Mrs. Waite's Will.
Francis X. Mancuso, the Assistant District Attorney, who was sent to the Hotel Plaza to investigate the Peck murder, returned yesterday with organs from Mrs. Peck's body for further analysis. Mrs. Mancuso told in detail the way Waite persuaded his wife to make her will leaving him the bulk of her fortune inherited from her parents, just deceased.

"It was March 16, Mrs. Waite said, when she and Waite were at the Hotel Plaza in Grand Rapids, that he first broached the subject of her will," Mancuso said. "He told her that he wanted to provide for each other, and at his direction she drew up a holographic will on hotel stationery."

"As she first drew her will she made several bequests in amounts ranging from \$2,000 to \$4,000 to institutions, but Waite objected to this and she changed them down to from \$1,000 to \$2,000, leaving to them a total of about \$18,000, which he said was ample. The residue was left to him."

"He told her to send a memorandum of the will to his lawyer, Mr. Morrison, to have the document drawn in legal form. She did this, she told me, and sent the holographic will to Morrison together with a letter of instructions. With the papers lay in the office the anonymous 'K. Adams' telegram came, which brought about the investigation into Mr. Peck's death and the autopsy."

"Upon this, under directions from her brother, Percy Peck, she sent a second letter to Morrison telling him not to draw the will, but to destroy the memorandum she had sent. This has not yet been done, and the documents are now in our possession."

"There was nothing to indicate in his findings, Mancuso said, that any poison had been administered to Waite's wife, but her mother showed symptoms of arsenical poisoning in the final illness. He heard also that Waite had made frequent remarks that his wife would not live long."

The life history of Waite, as gathered by Mancuso, indicates that a man who was lacking in moral sense. During his freshman year in dental college, it is said, he was caught stealing another student's model and passing it off as his own to make up his own model.

He later stole \$400 from a general merchandise firm by which he was employed in MacKinnon, the assistant prosecutor said. Both these cases, he said, were allowed to continue in college on probation, but other thefts were known to have been committed by him. To have himself set up in a dental parlor in South Africa by a firm which made a business of starting young dentists in business he forged papers that let him complete in two months a special course in Glasgow that would otherwise have taken two years and which was prerequisite to the firm.

After getting started by the firm he was supposed to make an accounting to them of his receipts and pay them a fixed percentage of his earnings. Although he was allowed to finish out his five-year term with them, he had the reputation in the main office of holding out money properly belonging to his patrons.

Figured in Auto Case.
Waite is supposed to be involved with a woman in South Africa who was considered a business partner. He returned to this country a year ago last Christmas with \$20,000. While in Capetown he became engaged to a young American girl, who now lives in New York, and had wealthier relatives. They learned of some suspicious dealings by Waite and broke off the engagement.

Another alleged incident of prominence to disreputable concerned an automobile. He had a car of moderate cost and a popular model. One night as he reached a small town, the engine broke down. He put up with a hotel and it happened that there was another American there with a car like his. It is said that he got up in the middle of the night and transferred the broken engine part to the other car, and so he was able to drive home with his own engine with stolen parts.

In the morning the other man tried to start his engine, but found it would not work. He called on Waite for assistance. Waite worked over the car for a time and then gave up. The hotelkeeper stepped forward and revealed that he had seen him get up in the night and tamper with the car. Waite was forced to pay the hotel for the car and was forced to settle with the other man for \$150.

'I'M HAPPY,' SAYS WAITE COMPANION

Mrs. Horton Loses Plea to
Visit Dentist in Bellevue Ward.

HUSBAND INDIGNANT. WHILE SHE SMILES

Mother Still Trusts in Accused
Poisoner—"Couldn't Have
Done It Unless Insane."

Yesterday afternoon a woman closed the door of the District Attorney's office behind her, her face flushed, her head held high. She was Mrs. Margaret Horton, "the woman of mystery" in the Peck murder case.

In that office she had been confronted with a man who identified her as the companion of Dr. Arthur Warren Waite, accused of poisoning John E. Peck, his father-in-law, when, early in March, he had purchased tubes containing malignant typhoid cultures. Her request to visit Dr. Waite in Bellevue Hospital had also been refused. But Mrs. Horton smiled and said she was "happy."

"I'm happier than I have been on any day since this dreadful thing came up," she exclaimed. "I feel so at ease, and so well." Her cheeks, so pale when she visited the District Attorney's office on Saturday, were pink, and her beautiful brown eyes sparkled.

Husband in Ill Mood.
Then she dived into the depths of her fur, and shielded her face with a black-lid arm as she hurried to the door. She was helped by her husband, Harry Mark Spierberg, and her attorney, Harold Spierberg. The waiting cameras clicked in vain, while "the woman of mystery" laughed.

Her husband was not in a good humor. "Why can't they quit hounding us?" he demanded angrily. "I have been kind to the newspapers and they don't know how to show me the favor. I'm through helping them."

"Don't be cross, dear," smiled Mrs. Horton. Then she chattered, like the carefree child she seems, of the charms of the day and of her distant home in the West.

"I could cry whenever I hear any one speak of Montana," she said. "I wish I were there again. That's how I was brought up—just a happy, unsuspicious country girl—and I never really got used to anything else."

She seemed quite untroubled by the matter of the typhoid germs and by not being permitted to see Dr. Waite. She said further that she had no desire to see Dr. Waite, but that since it was his wish she had been willing to call upon him in the presence of her husband.

Wife and Mother's Views.
There is at least one woman somewhere in the background of almost every murder case, but the present one is no exception. Mrs. Horton, the presence of a number of women, most of them intimately concerned in its outcome. Probably the one second in

merchandise firm by which he was employed in MacKinnon, the assistant prosecutor said. Both these cases, he said, were allowed to continue in college on probation, but other thefts were known to have been committed by him. To have himself set up in a dental parlor in South Africa by a firm which made a business of starting young dentists in business he forged papers that let him complete in two months a special course in Glasgow that would otherwise have taken two years and which was prerequisite to the firm.

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Mrs. Mancuso said that since Mrs. Waite's mother's body was cremated there would be no chance to determine whether she had died from arsenical poisoning. The District Attorney said there was plenty of evidence in her husband's death to engross his attention and complete the case against Waite.

From a snapshot of Mrs. Horton given to the District Attorney by her husband the name of Mrs. Grace Hoffman is obtained. Mrs. Hoffman is a singer, of 308 East Eighty-second Street. She said she met Mrs. Horton about six weeks ago, and that Mrs. Horton asked her advice in choosing a singing and French teacher, saying she had just received a large income. Ten days ago Mrs. Hoffman asked Mrs. Horton to come to see her, but the latter said she couldn't, as she was in trouble.

Now on View.
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ANCIENT JEWISH POEMS
FEATURE AT BAZAAR
Other Attractions Are Letters of Tolstoy and Zangwill.

A new automobile was honking its new horn hoarse in one corner of the Jewish bazaar yesterday. In another Maury was auctioning off a bargain in boys' pants. Pretty girls turned highwaymen held up all passersby and asked them to patronize patent cleaners—"the greatest discovery since soap."

But the crowd tarried not with the auctioneers, but with the poets. They can be seen any day on East Eighty-sixth Street. The real center of interest at the Grand Central Palace was an ancient book, which Sholem Asch, the Jewish poet and philosopher, had locked up in a glass case. Not that it was a pretty book. Round, wavy lines marked the wanderings of some ancient little worm as he perused the solemn pages.

The book is the work of Nazaria, an ancient Jewish poet and philosopher. Since he wrote it generations of human bookworms have perused it. For many years it lay in a cave in the hills about Rome. Book-loving antiquaries, and the present generation came to this country they brought the book with them. The worm holes are eloquent to them. For them Mr. Asch's Jewish poet and philosopher, he thinks that only a museum would buy the book, but he is willing to sell it to anybody who cares enough for the sufferings of Europe to meet the price.

Other treasures not to be bought at a price on Fifth Avenue or on East Eighty-sixth Street are a letter of Tolstoy, another of Israel Zangwill's, and a first passport issued to a Jew in this country. It is signed by T. Jefferson, President of the United States, and the date is March 28, 1866. The traveler was Samuel Parsish, of Newbury, Penn.

Crowds attended both afternoon and evening sessions of the bazaar, buying lavishly of everything from waffles to alarm clocks and fur rugs. Two of the salegirls fainted from overwork. They had been at the German bazaar for the last two weeks before starting in on its Jewish counterpart. Mrs. Charles Guggenheim, bustling about, praising her wares, who looked very sweet in pearl gray with white ribbons and Dutch caps. Mrs. Nathan Strauss hovered about the flower booth and Eugene Meyer dropped in to say how glad he was to see them all at the 1916 six-passenger touring car.

Miss Sophie Braslau, of the Metropolitan Opera, and Miss Sara Burwirth were the artists at the evening concert.

'COLLUSION' FIRES CHARITY HEARING

Dr. Potter's Son Balks
Counsel's Hunt Started
by Pamphlets.

REASON FOR VISIT TO FATHER REFUSED

Witness Tells Hotchkiss He Is
Cheeky—Threatens to Quit,
Despite Contempt Menace.

Two lawyers faced each other at the Charities investigation yesterday. William H. Hotchkiss, attorney for the Charities Department, called Dean Potter, a son of Dr. Daniel C. Potter, to the witness stand.

"It is my purpose," said Mr. Hotchkiss, "to show collusion between Father William B. Farrell, Dr. Daniel C. Potter and Robert W. Hebbard, secretary of the State Board of Charities, in publishing the pamphlets attacking the investigation."

Mr. Potter, however, refused to answer most of the questions and charging some of them as "unintelligent and unlimited checks." Even the effort by the Charities Department's attorney to show collusion failed. Even the threat of contempt proceedings in the Supreme Court brought no result.

Michael H. Riley, sexton of Father Farrell's church, St. Peter and Paul, was also a witness during the afternoon. He, too, refused to answer many questions on the advice of William S. Butler, Father Farrell's attorney. The witness did admit he went to Dr. Potter's house, in Caton Avenue, Brooklyn, last Friday, to get a suitcase he had taken there two weeks before, but had taken to say how many times he had been sent by Father Farrell as a messenger to Dr. Potter in the last two months.

Denies Investigation's Right.
When Mr. Hotchkiss persisted in asking the question Mr. Butler challenged his right to question the witness.

Mr. Potter answered only one question regarding the alleged collusion in a way which seemed to satisfy Mr. Hotchkiss.

"About a month ago," said the witness, "when I was at my father's house, some one who said he was Mr. Hebbard called my father on the phone."

"When did you last see Father Farrell?" Mr. Hotchkiss asked.

"I saw him last night," answered Mr. Potter, "I can see no pertinency in your question." Turning to Commissioner Charles H. Strong the witness continued: "I don't understand that you have any authority to go beyond your investigation of the State Board of Charities to investigate either Father Farrell, Daniel C. Potter or myself. I would consider such an investigation an infringement of my liberty as a citizen. I hope I have something of the spirit of '76 in me."

"Have you carried messages from your father to Father Farrell?" Mr. Hotchkiss then asked.

"Those questions are not pertinent. This is an inquisition," Mr. Potter declared.

Visit to Father Queried.
"Mr. Hotchkiss is endeavoring to show that a member of the State Board of Charities was connected with the pamphlets, issued under the name of Father Farrell, attacking the investigation," said Commissioner Strong. "I may be bought of her or at the dance."

FATIMA was the Only Cigarette Awarded the Grand Prize, the highest award given to any cigarette at the Panama-Pacific International Exposition.

NEW HEAD FOR ROGERS PEET
Frank S. Turnbull, vice-president of the Rogers Peet Company, was advanced to the presidency at a meeting of the directors yesterday. Frank R. Chambers declined reelection as president, but remains chairman of the board. Mr. Chambers was one of the original partners of the firm and since 1914 has been active in its management.

The other officers elected were Charles W. Halsey, vice-president; Jesse P. Brundage, treasurer; and Robert P. Lewis, secretary.

Booth
Tarkington's
SEVENTEEN
A Tale of Youth and Summer
Time and the Baxter Family
—Especially William.

"Quite the funniest boy that fiction has produced for a long time. Mothers will laugh with tears in their eyes as they see their own sons reflected in it. Girls will grin at the resemblance to their brothers and sweethearts, and the only persons who are not likely to care for the book will be those of 2, who may fancy that they consider a caricature of their own important selves."

—St. Louis Globe-Democrat.
Cloth, \$1.35 net.
Leather, \$1.50 net.
HARPER & BROTHERS
Established 1817.

"A sensible cigarette—that's what I want"

There are a number of good, sensible cigarettes on the market—Fatimas are not the only ones.

But Fatimas are the best-liked and best-selling of all the cigarettes costing over 5c.

Of course, your taste may be different—you may not like Fatimas as well as all these thousands of other men do.

But you can't deny that they are worth trying—not only for the delicious taste that has made them so famous, but also to see just how SENSIBLE they really are—how

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